

**BURNS DOANE**BURNS DOANE SWECKER & MATHIS LLP  
ATTORNEYS AT LAWALEXANDRIA, VIRGINIA  
REDWOOD SHORES, CALIFORNIA  
DURHAM, NORTH CAROLINA

**REPLY TO:**  
**P.O. Box 1404**  
**Alexandria, Virginia 22313-1404**

**TELEPHONE:** +1.703.836.6620

**FACSIMILE:** +1.703.836.2021 (Group 3)  
+1.703.836.0028 (Group 4)

**DATE:** June 27, 2003

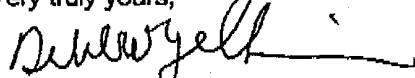
RECIPIENT INFORMATION	SENDER INFORMATION
To: Examiner Jeanine Anne Goldberg	From: Deborah H. Yellin
Voice Tel. No.:	Voice Tel. No.: (703) 838-6563
Fax Tel. No.: (903) 746-5149	Sent By: Elizabeth K. Stenson
Your Ref.: 09/462,635	Our Ref.: 020600-285
	Total Pages (Incl. Cover Page): 4

**RE:** U.S. Patent Application No. 09/462,635**MESSAGE:**

Dear Examiner Goldberg,

Further to our telephone call of this morning, attached please find a Submission of Terminal Disclaimer (in duplicate) and a Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent for the above-identified application. As indicated on the Submission of Terminal Disclaimer, the \$110.00 fee is to be charged to Deposit Account 02-4800. Should you have any questions, please do not hesitate to contact us.

Very truly yours,

Deborah H. Yellin  
Reg. No. 45,904

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Any questions regarding compatibility should be directed to our Office Services Department at +1.703.836.6620.

Patent  
Attorney's Docket No. 020600-285

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
 Günter SCHMIDT *et al.* ) Group Art Unit: 1634  
 Application No.: 09/462,635 ) Examiner: Jeanine Anne Goldberg  
 Filed: April 10, 2000 ) Confirmation No.: 5341  
 For: CATEGORISING NUCLEIC ACID ) **VIA FACSIMILE (703) 746-5149**  
 )  
 ) I hereby certify that this correspondence is being sent  
 ) by Facsimile Transmission to the Assistant  
 ) Commissioner For Patents, P.O. Box 1450,  
 ) Alexandria, VA 22313-1450 on:  
 ) Date: June 27, 2003  
 ) Name: Elizabeth K. Stenson  
 ) (Typed or printed name of person signing the  
 ) certificate)  
 ) Sign: Elizabeth K. Stenson  
 ) (Signature of person signing the certificate)  
 ) Date: June 27, 2003  
 ) (Date of Signature)

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above.

The Director is authorized to charge \$110.00 (1814) to cover the requisite Government fee to Deposit Account 02-4800. The Director is authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 27, 2003

By: Deborah H. Yellin  
 Deborah H. Yellin  
 Registration No. 45,904

P.O. Box 1404  
 Alexandria, Virginia 22313-1404  
 (703) 836-6620

(05/03)

PTO/SB/26 (10-99)

Approved for use through 9/30/2000. OMB 0651-0031  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCETERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENTDocket Number (Optional)  
020600-285In re Application of: Günter SCHMIDT *et al.*

Application No.: 09/462,635

Filed: April 10, 2000

For: CATEGORIZING NUCLEIC ACID

The owner\*, XZILLION GMBH & CO., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,297,017. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

June 27, 2003  
Date

*Deborah H. Yellin*  
Reg. No. 45,904 for  
Signature

Samuel C. Miller, III, Reg. No. 27,360  
Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See M.P.E.P. § 324.

(05/03)